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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONEL HERNANDEZ,

Defendant.

Case No. 2:17-cr-0171-RFB

ORDER

Before the Court is Defendant's Motion to Vacate. ECF No. 33. In his motion, Defendant argues that his conviction with respect being a felon in possession of firearm should also be vacated pursuant to Rehaif v. United States, 139 S. Ct. 2191 (2019). The Court rejects Defendant's argument on this point as well and also denies the motion on this ground. The Court finds that the Defendant's argument is and has been foreclosed by Greer v. United States, 141 S. Ct. 2090 (2021). The Court agrees with the government's arguments as to the controlling application of Greer to this case, and it incorporates that reasoning by reference.

For the reasons stated,

IT IS HEREBY ORDERED that Defendant's Motion to Vacate [ECF No. 33] is DENIED.

IT IS FURTHER ORDERED that the Motion for Leave [ECF No. 43] is GRANTED.

DATED: May 23, 2023.



**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**